

Appendix 2: Massacre Lakes EA Public Concerns and Responses

Public Concerns

Responses

Adaptive Management

Adaptive management techniques to manage wild horses based upon resource conditions rather than wild horse gathers based upon horse populations should be included in the selected alternative..

Adaptive management techniques to determine stocking rates on a year to year basis should be included in the selected alternative.

Adaptive management techniques to aid management of wild horses should be included in the selected alternative.

Adaptive management techniques that provide incentive/disincentive based approaches to improve rangeland health should be included in the selected alternative.

The Surprise and Black Rock-High Rock RMPs both support the use of adaptive management techniques to improve the management of public lands. Those techniques would also be applied to management of the Massacre Lakes allotment and HMA. The adaptive management process includes flexibility to change objectives, management actions, monitoring protocols, or evaluation criteria based upon new information or changes in resource conditions. An Adaptive Management Protocol has been added to the EA as an action common to all alternatives.

Alternatives

Alternative 3 needs to include water developments described in Alternative 1. Any fencing of water sources needs to provide water outside the fence for livestock or horses.

After review of the analysis in the EA, logistical issues associated with construction and maintenance at Sagehen Spring, and conflicts between management for wilderness characteristics and other resources, fencing of Sagehen with or without water outside the enclosure is being put on hold pending further review.

The EA evaluated fencing without water outside the enclosure in several alternatives. While this would allow achievement of the riparian standard, it would create the potential for problems with horses and livestock breaking the fence to access the site for water. Given that the spring is difficult to access for inspection and maintenance, there is a real potential that the enclosure would become non-functional in the future and create a wire hazard to horses or cattle in the area. Including water outside the enclosure for horses and livestock would reduce pressure on the fence, but would also be difficult to install because of the archaeological site associated with the spring, extremely rocky construction conditions, and requirements to manage the site to retain wilderness characteristics.

Additionally, the evaluation of the meadow area associated with Sagehen spring was conducted when wild horse populations were much

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higher than the AML range being established in the decision. Therefore the project is not being implemented at this time. When wild horses are within the AML range and a re-evaluation of riparian functional condition of the Sagehen Spring meadow are completed, a project that includes fencing and livestock/wild horse water may be reconsidered.

Alternative 2 would not meet LHS and does not contain adequate flexibility for livestock permittee and therefore should not be selected.

Alternative 4, with an AML of 186 horses, should be selected.

An alternative that supports healthy rangelands through sustainable livestock grazing should be implemented.

Alternative 3 should be selected because it has the most flexibility for the livestock permittee.

An alternative with grazing management practices that would achieve Land Health Standards should be selected.

The AML range proposed in Alternative 1 and 3 would increase flexibility in scheduling gathers because of the increased upper AML.

Alternative 4 should not be selected because it would have adverse impacts on the livestock permittee.

Alternative 5 should not be selected because it would have adverse impacts on the permittee.

Alternative 1 should not be selected because the AML range is too low and livestock allocations are greater than wild horse allocations.

There is overwhelming support for a larger AML proposed in Alt 4 compared to the lower AML in the Proposed Action (Alternative 1).

There is overwhelming support for Alternative 4 as evidenced by over 11,000 comments. Therefore it should be selected.

Alternative 4 should be selected because it has the highest wild horse AML.

Alternative 1 would be an acceptable alternative

I support bait and water trapping to gather WHs as described in Alternative 4. It would allow management of family groups and support the development of a genetic based stud book.

The wild horse AML ranges of Alternatives 1, 2, and 3 are reasonable and should be included in the decision.

Alternatives 4 and 5 should not be selected because of adverse economic impacts to the livestock permittee.

Alternative 2 should not be selected because it would not achieve Land Health Standards.

Neutral on Alternative 1 because of reduced flexibility to livestock permittee.

Alternative 3 should be selected because it would have the most flexibility for the livestock permittee.

Alternative 4 should be the selected alternative.

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Alternative 2 should be selected because there is no need to change current management.

Alternative 5 should not be selected because it would eliminate livestock grazing.

Comments in support or opposition to one or more alternatives are considered in the decision process.

BLM needs to give weight to all the comments supporting Alternative 4 as part of increasing transparency with stakeholders.

Comments in support or opposition to one or more alternatives are considered in the decision process. We encourage all types of comments including those expressing an opinion on alternatives. The process of selecting the alternative that will be implemented includes review of comments as well as other factors including: consistency with the identified purpose and need, achieving Land Health Standards and meeting the objectives identified in the Resource Management Plans.

The No Grazing Alternative should be seriously considered because it eliminates livestock use.

The No Grazing Alternative was included in the EA primarily for comparison purposes. Of the five alternatives analyzed in the EA, the No Grazing and No Action alternatives are not consistent with the direction in the RMPs. Both RMPs allocate the Massacre Lakes allotment for livestock grazing and the Surprise RMP allocates the Massacre Lakes HMA for wild horse use.

Alternative 3 should be selected because it provides the greatest flexibility to the livestock operator while still meeting Land Health Standards, while the Proposed Action Alternative lacks that flexibility.

While Alternative 3 appears to have the greatest flexibility for the livestock grazing operator, there are other factors involved that could lead to decreased flexibility for the alternative. As described in the Allotment Evaluation, the Massacre Lakes allotment is not meeting Land Health Standards and livestock and wild horse use are contributing factors. This requires that livestock grazing use is limited to 40% of the available forage each year. This limited use level are likely to decrease flexibility in livestock management.

Incorporation of adaptive management techniques in all alternatives, including Alternative 1, should provide flexibility in applying livestock grazing management practices to better achieve the goals and objectives of the RMP. Alternative 3 is not being selected because it lack specific livestock grazing Terms & Conditions that would ensure progress towards meeting the Land Health Standards.

Alternatives - Request Additional

Add an alternative that analyzes sagebrush restoration projects.

A portion of three pastures within the Massacre Lakes allotment were seeded to crested wheatgrass, a non-native perennial forage species, in the 1960s. These seedings were created by plowing sagebrush and then seeding forage grasses. The seeded areas still have less less sagebrush cover than adjacent unseeded rangelands. High levels of sagebrush cover and herbaceous cover is desirable for greater sage-grouse

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nesting. Any project to increase sagebrush cover in an existing seeding would at least temporarily, decrease herbaceous or sagebrush cover. The least disruptive action related to changing sagebrush cover in existing seedings is to allow sagebrush to naturally increase in frequency and cover without any further action.

Sagebrush restoration projects are also outside the scope of the EA. The purpose and need for this project is to consider reauthorization of a livestock grazing permit and to determine the AML for wild horses.

Add an alternative that analyzes wild horse population at current levels to document that resource impacts are caused by livestock grazing.

The EA needs to include an alternative that maintains the current population of horses on the range.

Alternative 4 changes the allocation of use areas for livestock and wild horses resulting in a higher wild horse AML than other alternatives.

The upper AML in this alternative was established based upon an analysis of actual use by livestock, estimated wild horse populations and areas of mapped forage utilization classes. The analysis indicated that a wild horse population of approximately 160 animals, the current estimated population, would not allow for forage utilization of less than 40% within the HMA. A 40% utilization level is required for the allotment and HMA because Land Health Standards are not being met.

Add an alternative that analyzes a wild horse AML of at least 150 animals.

Alternative 4 considers wild horse populations that are moderately lower than 150 animals. The upper AML in this alternative was established based upon an analysis of the estimated carrying capacity of the HMA for wild horses without cattle use in the Juniper Pasture. Any alternative with a wild horse population greater than the 121 in Alternative 4 would not be consistent with the purpose and need for the EA and would fail to address the issues identified.

Modify Alternative 4 to designate the Massacre Lakes wild horse herd as a "sentinel" herd, do not gather any horses and study "self regulation" of the

The 2013 NAS report recommended the identification of "sentinel" populations "in a subset of HMAs that represent the diverse ecological settings throughout western rangelands. Detailed, annual demographic studies of sentinel populations could be used to improve assessment of population dynamics and responses to changes in animal density, management interventions, seasonal weather, and climate."

In order to implement this recommendation contained in the NAS report, a substantial effort would be required to select the appropriate "sentinel" herds in order that the selected herds were representative of herd demographics, ecological conditions and climate/weather regimes. This recommendation is being evaluated by BLM, but has not been implemented at this time.

Add an alternative that analyzes wild horse use without livestock grazing to show whether or not Land Health Standards can be met without livestock

The EA contains a No Grazing alternative. Inclusion of a wild horse grazing without livestock use as an alternative would require a

Modify Alternative 4 to limit gathers to the use of water or bait trapping, removing only a portion of each family band without fertility control in order to study horse population growth and mortality.

The inclusion of Alternative 4 in the EA was based upon a proposal submitted by advocates of increased wild horse levels within the HMA. This proposal included provisions for water or bait trapping by family band units, and research on wild horse populations receiving minimal disturbance to their social structure. The proponents for the alternative also indicated that they would actively seek an academically based researcher and funding for that research. At this time they have been unable to obtain funding or attract the interest of a researcher.

Balance of WH and Livestock Allocations

The forage allocation to livestock should not be greater than the wild horse forage allocation.

Comments in support or opposition to one or more alternatives are considered in the decision process.

Climate Change

Horses have less impact on climate change than livestock.

Horses and cattle have different physiology associated with their digestive systems. As described in the EA in Section 3.1.4 cattle do emit higher levels of Green House Gases than horses.

The Global Climate Change discussion does not include CO₂ stored in vegetation and ultimately released through fire over time

The Global Climate Change section (3.1.4) in the EA describes direct emissions of green house gases from cattle and horses. The discussion did not include CO₂ storage in vegetation because as the commentor observed, such storage is temporary and ultimately the stored CO₂ is released through decomposition or fire.

Cultural Resources

The HMA is eligible for nomination to the National Register of Historic Places because of the wild horse use of the area.

The National Register of Historic Places was created under the National Historic Preservation Act of 1966 in order to identify significant cultural resources within the United States. Cultural resources can be objects, sites, districts composed of multiple sites, or a landscape.

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Simply summarized, cultural resources are eligible based on four criteria: those connected to important people in America's history, those connected to important places in America's history, those that contain unique or exemplary craftsmanship, and those that are considered important for scientific research into America's past.

Another type of eligible cultural resource is a traditional cultural property (TCP). A TCP is generally defined as one that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that are rooted in that community's history and are important in maintaining the continuity identity of the community. This HMA has not been shown to be important to maintaining the continuity identity of a specific community nor has this HMA been shown to be eligible to the National Register under the four criteria listed previously. Consequently, the HMA is not considered eligible for nomination to the National Register.

Decrease or Eliminate Grazing

Livestock grazing should be discontinued on the allotment.

Alternative 5 in the EA evaluates a No Grazing alternative. The 2008 Surprise and 2004 Black Rock-High Rock RMPs both allocate the Massacre Lakes Allotment for livestock grazing.

Because of the past voluntary non-use the livestock reductions described in the Proposed Action are not enough to be effective in achieving Land Health Standards. Recommends greater reduction or non-grazing.

Alternatives 1, 3 and 4 in the EA include a number of changes in livestock grazing management practices, not just a "small actual reduction" in livestock grazing. The Proposed Action includes specific Terms & Conditions to improve Land Health within the allotment. These measures when taken together are what are expected to address the potential to meet the Land Health Standards.

The allotment did not meet standards therefore specific remedies must be proposed to reduce or eliminate livestock grazing.

The EA contains four action alternatives (1, 3, 4, and 5). Each of the action alternatives contain changes in livestock management practices that are specific remedies to allow the future achievement of Land Health Standards. The proposed practices reduce, or in the case of the No Grazing alternative, or eliminate livestock grazing.

Livestock Grazing

How are Animal Unit Months (AUMs) calculated?

An AUM is the amount of forage that a cow/calf pair or an adult horse consumes in a month. The calculation is based upon the number of months times the number of animals. For example, 25 horses for 6 months would be 150 AUMs. Where fractions of months are involved,

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months can be calculated by dividing the number of days grazed by the average number of days in a month. For example, 50 cattle for 76 days would be calculated as 68 days/30.42 days per month is 2.24 months and 50 animals times 2.24 months is 112 AUMs.

Basis of livestock AUM definition invalid, therefore livestock AUM calculations are invalid.

The definition of an AUM as used in this EA is based upon BLM standards. That definition was used in calculation of livestock AUMS in the EA. Another basis for AUM calculations would be outside currently approved policy and are therefore outside the scope of this

Livestock and WH grazing paradigm of competition needs to be replaced by Alan Savory Holistic Management approach that increases both WH and livestock grazing.

The Holistic Management approach proposed by Savory was developed in sub-equatorial Africa, in a 40" precipitation regime with growing season rainfall. The Massacre Lakes area is located in a cold desert climate regime with precipitation in the 6" to 12" zone and the majority of the precipitation falling outside the growing season. Additionally the Savory approach required active herding or extensive fencing to mimic the natural seasonal migrations of grazing animals on African savannahs which would be infeasible for this allotment. Therefore the Savory Holistic Management approach is not viable for the Massacre Lakes allotment.

Impacts to cattle grazing would be similar between Alternatives 1 and 4 due to same number of livestock and minor changes in season of use

There are real differences in livestock grazing management practices between Alternatives 1 and 4. Alternative 1 proposed a staggered turnout with a portion of the livestock turned out on May 15th and rest on May 30th with a take off date of September 17th. The total length of the grazing season is 125 days. In Alternative 4, the grazing season is May 15th through August 12th, an 89 day grazing season.

While the actual impacts to the livestock grazing operations of the affected permittee is unknown, the loss of 36 days of forage equivalent to 531 AUMs of forage would be expected to be a substantial difference. Replacing this forage with hay or other pasture could result in additional expenses of approximately \$35,000 to the permittee.

If wild horses herds were to be reduced would the currently suspended 803 AUMs then be placed into the active use category within the next 10 years?

There is no direct relationship between livestock and wild horse forage allocations. Livestock allocations are based upon meeting applicable management objectives and Land Health Standards. AUMs currently in suspended status could be placed into active use if it is determined by BLM that higher levels of livestock use would allow the objectives and standards to be achieved.

Wild Horses numbers are 5.5 times the RMP AML and the livestock grazer has taken voluntary reductions in his use. The grazier should not be further penalized while horse numbers are so high.

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The livestock grazer should not be subject to adverse changes to his operation until the horse numbers are reduced to the designated AML range.

The livestock permittee should not be subject to deadlines for land health improvement until excess wild horses are removed.

Wild horses are not evenly distributed within the Massacre Lakes allotment. The HMA includes four of the five pastures, with only one pasture, Juniper, receiving the majority of the horse use. Cattle use all five pastures. The allotment evaluation identified problems associated with Land Health in all five pastures and that livestock grazing was a contributing factor to not meeting the standards.

Livestock grazing in the Juniper Pasture will require some flexibility until excess wild horses are gathered and any future evaluation of land health in pastures where use by livestock and horses occurs will consider the differential use by cattle and horses.

Livestock Grazing - Range Improvement Projects

The Sagehen Spring project should include water for wild horses and livestock outside the enclosure.

After review of the analysis in the EA, logistical issues associated with construction and maintenance at Sagehen Spring, and conflicts between management for wilderness characteristics and other resources, fencing of Sagehen with or without water outside the enclosure is being put on hold pending further review.

The EA evaluated fencing without water outside the enclosure in several alternatives. While this would allow achievement of the riparian standard, it would create the potential for problems with horses and livestock breaking the fence to access the site for water. Given that the spring is difficult to access for inspection and maintenance, there is a real potential that the enclosure would become non-functional in the future and create a wire hazard to horses or cattle in the area. Including water outside the enclosure for horses and livestock would reduce pressure on the fence, but would also be difficult to install because of the archaeological site associated with the spring, extremely rocky construction conditions, and requirements to manage the site to retain wilderness characteristics.

Additionally, the evaluation of the meadow area associated with Sagehen spring was conducted when wild horse populations were much higher than the AML range being established in the decision. Therefore the project is not being implemented at this time. When wild horses are within the AML range and a re-evaluation of riparian functional condition of the Sagehen Spring meadow are completed a project that includes fencing and livestock/wild horse water may be reconsidered.

Supports water developments that lead to habitat improvements

Comments in support or opposition to one or more alternatives are considered in the decision process.

Range improvements need to be completed for livestock, wildlife and wild horses.

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The EA includes provisions for several range improvements including a water storage tank in the Sand Spring Pasture and protective fencing at Sagehen Springs. Both these projects would benefit livestock and wildlife, and the Sagehen Spring project would support maintenance of a thriving ecological balance between wild horses and other resources with the HMA.

The Sagehen Springs project is not being implemented at this time. When wild horses are within the AML range and a re-evaluation of riparian functional condition of the Sagehen Spring meadow are completed, a project that includes fencing and livestock/wild horse water may be reconsidered.

Additional water sources in the form of guzzlers need be installed for better horse and livestock distribution and to protect stream riparian areas.

The EA proposes one additional storage tank outside the HMA that would improve livestock distribution in the southern portion of the allotment. Guzzlers are artificial water collection structures designed to collect and hold precipitation in a tank for use during dry periods.

Guzzlers for large animals, including wild horse or cattle, would require large collection aprons and tanks that only provide water for cattle or horses for a short period during the dry season. Most of the wild horse range is located in the Massacre Rim WSA. BLM is required to manage WSAs to retain their wilderness characteristics. Installation of large guzzler projects for cattle or horses would not be consistent with the management of wilderness characteristics.

Livestock Grazing - Stocking Rates

BLM must determine carrying capacity of Allotment before it can set livestock stocking rates in alternatives.

The initial livestock forage allocations and the wild horse AML ranges in alternative 1,3 and 4 were based upon an indirect analysis of carrying capacity. Information from the soil survey allowed estimation of acres by pasture by ecological site (ES). Each identified ES was assigned a conservation production level (pounds of forage per acre per year) by reducing the low potential production in the ES description by a factor corresponding to the grass fraction of the vegetation. A second reduction factor was then applied based upon the estimated condition of the current vegetation compared to potential production. Finally a third reduction was applied for the desired utilization level. Summing the result for all sites within each pasture and converting pounds of available grass to AUMs provided an initial carrying capacity that was then compared with other monitoring and inventory information.

Massacre Rim ACEC

Wild Horses are eligible to be included in ACEC.

Areas of Critical Environmental Concern are designated through the Land Use Planning process for areas with relevant and important resources that require special management attention. The Massacre Rim ACEC was designated in the 2008 Surprise RMP to provide special management attention to the cultural resources of the area. During that process, wild horses were not identified during the public comment periods or recommended by the interdisciplinary team as a resource that would require special management attention. Changing

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the ACEC designation to include wild horses would require a RMP amendment, which is outside the scope of this action and would not meet the purpose and need. Therefore horses were not included in the Massacre Rim ACEC rationale.

Monitoring Data

BLM should implement a more comprehensive monitoring effort.

We agree that more monitoring would be beneficial in supporting management efforts on this and other allotments. Given staffing, funding, priorities, and logistics the monitoring effort on this or any other area is limited to less than optimal levels. The alternatives in the EA contain specific monitoring requirements that will allow future assessments of progress toward meeting the Land Health Standards.

Multiple Use Management

Wild horses should be considered as BLM special status species or by FWS as rare, threatened or endangered.

Careful reading of Act shows that Congress did not intend Wild Horses to be considered as wildlife. What the commentor requested in outside the scope of the EA and would require changes in current laws and policies. Therefore it would not be appropriate to designate them as special status species or to consider them eligible for designation under the ESA.

Livestock grazing on public lands should end and wild horses should not be removed from public lands.

Livestock use on public land is authorized under the Bureau's multiple use mandate of FLPMA. Elimination of livestock grazing on public lands would require changing the law and is therefore outside the scope of this EA.

The WFRWHB Act requires that wild horses be sustained on ranges that are considered "principally though not exclusively for their welfare". Thus the intent of the Act is that wild horses be given preference over livestock within HMAs.

Several court ruling have provided interpretation of this portion of the 1971 Act. Most recently is a ruling by the US District Court, Eastern District of California (Case #2:10-cv-01852-MCE-DAD dated 11/15/2012). The ruling states in part, "The Act should consequently not be viewed as requiring that the BLM increase the numbers of horses, or give wild horses priority over users... Instead, the focus of the Act is rightly viewed as protecting wild horse herds as one component of multiple species, and many users, sharing a common environment."

In the Massacre Lakes HMA, on a temporal basis, wild horses could be considered as the principal user. Wild Horses occupy the WHA 12 months of the year while livestock are allowed in the Juniper Pasture (where over 90% of the wild horse use occurs) for less than 8 weeks each year.

Horses should receive priority over big game wildlife in the Massacre Lakes Allotment because BLM wide horses are limited to much less area than

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Several court ruling have reviewed the issues associated with wild horses receiving priority over other uses in 1971 Act. Most recently is a ruling by the US District Court, Eastern District of California (Case #2:10-cv-01852-MCE-DAD dated 11/15/2012). The ruling states in part, "The Act should consequently not be viewed as requiring that the BLM increase the numbers of horses, or give wild horses priority over users... Instead, the focus of the Act is rightly viewed as protecting wild horse herds as one component of multiple species, and many users, sharing a common environment."

Wild horses are not over populating the Massacre Lakes HMA because they should have first priority for forage not livestock.

Suggestions that wild horses should be given priority for forage over livestock or that livestock be given priority over wild horses largely ignore the purpose for the EA and the issues that need to be resolved. The Massacre Lakes Allotment and HMA are not meeting Land Health Standards and grazing by livestock and wild horses are contributing factors. Land Health includes the condition and trend of soils, waters, vegetation, and wildlife resources with the the area. Additionally legislation and two RMPs have designated portions of the Allotment and HMA as a National Conservation Area, an Area of Critical Environmental Concern, a Wilderness Study Area, and a National Historic Trail. In determining allocations of forage for livestock and wild horses, BLM's decision must include consideration of all of the factors described above, not just livestock or wild horses.

Continued livestock grazing is not consistent with the need to recover sage-grouse populations.

The EA includes a range of alternative including the no grazing alternaive. Section 3.2.6 includes an analysis of the impacts of grazing by livestock and wild horses on sage-grouse. The combination of livestock grazing management practices of the different alternatives considered in Section 3.2.6 indicates that livestock grazing practices that favor retention of herbaceous vegetation and timing of grazing to minimize grazing during periods key to sage-grouse habitat requirements can be consistent with the recovery of sage-grouse habitats and populations.

Wild Horses should be managed as wildlife.

Wild horses are legally considered wildlife and should be managed as other large wildlife species. Wild horses should be given special consideration because they are allowed only in a portion of the area occupied by other large wildlife species.

The Wild and Free Roaming Wild Horse and Burro Act does not use the word wildlife in reference to wild horses. Careful reading of Act shows that Congress did not intend Wild Horses to be considered as wildlife. Impacts to wild horses were fully analyzed in the EA.

There is no competition between horses and cattle due to physiological and behavioral differences.

The use of wild horses and livestock needs to be differentiated and the relative impacts to the land of each class needs to be described in the EA.

Horses do not compete with cattle or other wildlife due to physiological and behavioral differences.

The EA needs to analyze how cattle and horses utilize the range and the differential impacts of each.

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There are differences between grazing practices of horses and cattle with horses having a greater negative impact on grass plants than cattle.

While there are physiological and behavioral differences between cattle and horses there is also clear evidence of competition for water and forage on the Massacre Lakes allotment between the two. The primary area of competition is in the Juniper Pasture which is the primary wild horse use area of the HMA. This pasture is extremely rocky resulting in shallow soils with low forage production. When cattle graze this area they do not travel far from the same water sources that wild horses depend on. The result is that areas surrounding the water sources receive heavy use by a combination of livestock and wild horses. The size of this area of competition varies based from year to year based upon forage production, changes in water availability, and temperatures.

NEPA

BLM needs to complete EIS because it failed to take a hard look of impacts on Special Status Species and is dealing with highly controversial AML

One of the purposes of an EA is to determine if there are significant environmental impacts which would require preparation of an EIS. The EA included analysis of impacts on special status plant and animal species in sections 3.2.4 and 3.2.6.

Under NEPA determining whether or not an action is "highly controversial" refers to the level of scientific controversy not public controversy. The BLM NEPA Handbook, section 7.3 states: "Controversy in this context means disagreement about the nature of the effects, not expressions of opposition to the proposed action or preference among alternatives... Substantial dispute within the scientific community about the effects of a proposed action would indicate that the effects are likely to be highly controversial."

The impacts of grazing by large herbivores on Great Basin ranges is relatively well understood within the scientific community. Those impacts were described in the analysis for the various alternatives in the EA. No comments were received that suggested that such analysis was incorrect.

Additional EAs are needed prior to removal of horses from the HMA.

Prior to gather and removal of any wild horses from the HMA, a site specific gather plan would have to be prepared including alternatives analyzed in an EA.

I object to inclusion of a FONSI before public comments are submitted.

The draft FONSI was included as part of the Preliminary EA to comply with CEQ regulations that require agencies identify their preferred alternative. However inclusion of a draft FONSI does not preclude the agency from adopting another alternative.

NEPA - missing or incorrect information

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How were PPH and PGH sage-grouse habitat areas determined? Are old seedings really considered priority habitats? Please provide information on locations of breeding, late brood rearing and winter habitats located.

Additional information on sage-grouse habitat delineation has been added to the EA.

EA should contain analysis of impacts on bighorn sheep.

Discussion on bighorn sheep is contained in the EA in Section 3.2.6.

EA should contain analysis on pygmy rabbit impacts.

Discussion on pygmy rabbits is contained in the EA in Section 3.2.6.

Include information on the Carson wandering skipper.

Discussion on the Carson wandering skipper is contained in the EA in Section 3.2.6.

The EA needs to analyze impacts livestock grazing on resources associated with the Massacre Rim ACEC.

Discussion on the Massacre Rim ACEC is contained in the EA in Section 3.1.1.

EA should include information from USGS monograph (Hagen 2010) and risks of West Nile Virus infections.

Discussion on the West Nile Virus is contained in the EA in Section 3.2.6.

Research related to livestock impacts on sage-grouse nests should be included in the EA.

Effects of grazing by livestock or wild horses on sage-grouse is contained in Section 3.2.6. The discussion there identifies potential livestock impacts to sage-grouse during the nesting season by considering the number of days that livestock graze during the nesting season.

EA fails to adequately consider impacts on genetics, social structure and stresses of long-term holding of horses.

Impacts of the alternatives on the genetic diversity of establishing an AML discussed in Section 3.2.5. Potential impacts on the social structure and holding of horses are outside the scope of this EA. Prior to any gather and removal of horses from the HMA, a site specific EA would be prepared that would include analysis of impacts to herd social structure and stress of gathers on horses.

On Pg. 23 of the EA – Chart - Alternative. 4, change 780 to 1,200 AUMs.

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In Table 2-1 on page 14 of the EA. The initial AUM allocation to wild horses in Alternative 4 should be 1,200 to 1,452 not 780 to 1,452 as shown in the Preliminary EA. The EA has been modified to correct this typographic error.

The WFRWHB Act should be included in the list of laws and authorities.

Reference to the Act was inadvertently admitted from the list. The EA has modified to include reference to the Act.

The Wild and Free Roaming Wild Horse and Burro Act (WFRWHB Act) needs to be cited as applicable law.

Reference to the WFRWHB Act was inadvertently admitted from the list. However the process of establishing a new wild horse AML is clearly consistent with the intent of the Act.

Pg. 98 - Do wild horses have access to the water in the 18 wells?

The 18 wells are within the Cumulative Assessment Area which extends beyond the Massacre Lakes HMA. Twelve of the 18 wells are outside the Massacre Lakes HMA. Seven of the 18 wells are within the Massacre Lakes Allotment, of which 6 are within the HMA. Of the 6 wells in the HMA, wild horses make regular use of 2 wells. The other 4 are in portions of the HMA used infrequently during winter months when the wells are turned off to prevent freezing damage to the plumbing.

Monitoring data and how AMLs were determined need to be disclosed.

The EA needs to include rationale of the AML determination.

The AML determination, including monitoring data used in the determination, is attached to the final Massacre Lakes Allotment Evaluation which is available on the Field Office website.

The EA needs to include an economic analysis of all costs associated with any future gather operations including short and long term holding costs.

The decision to make in this EA is establishing an AML range for wild horses. Prior to any gathers of wild horses a site specific EA would be prepared that includes economic costs associated with gathering horses, including holding. Therefore discussion of the economic costs of gather operations is outside the scope of this EA.

EA should contain analysis of realistic wild horse management and relationship between livestock grazing and wild horses.

The EA discusses impacts of livestock and wild horses on vegetation and other resources. The comment did not describe what "realistic" wild horse management was.

Asserts that Kolada (2009) reference used in the EA related to sage-grouse is inappropriate for Massacre Lakes allotment.

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The EA has been modified to clarify the use of this reference.

The EA should disclose that the current and proposed AMLs represent an 87% reduction in wild horses from the current population estimate.

The EA in Section 3.2.5 shows that the proposed AML ranges in all alternatives are substantially less than current population estimates.

EA fails to fully analyze negative impacts of livestock grazing and proposes to continue grazing at the same levels.

The impacts of livestock grazing on various resources are included throughout Chapter 3 of the EA. Of the five alternatives, only one, Alternative 2 proposed to continue grazing at the same levels. The other alternatives all proposed changes in livestock grazing management practices, including fewer cattle, shorter seasons of use or decreased allowable utilization levels that are currently authorized.

The EA needs to analyze the impact of livestock grazing on wilderness values.

The impacts of various the livestock grazing management practices on wilderness values were analyzed in EA Section 3.1.10.

The data in the EA related to springs is out of date. Observations of the commenter in 2013 indicated spring fencing and troughs in the HMA were in poor condition.

Information on springs is out of date and needs to be updated.

The information of springs contained in the EA reflects the best available information. Visits by staff since 2009 indicate that the springs and their associated riparian areas have not measurably changed in condition since the Riparian Functional Assessments were conducted.

What happened to lek counts for the Post Canyon lek in 2012? Comparison information with Sheldon leks in EA conflict with data in NDOW wing bee report. Please reconcile.

The information on sage-grouse lek counts and wing bee data has been corrected in the EA. Lek counts for 2012 are not currently available.

The data used in the EA related to Land Health Assessments is out of date and needs to be updated.

The information used to make Land Health Assessment determinations was collected over a number of years. Since the allotment evaluation was completed, the allotment has experienced similar livestock grazing levels, wild horse numbers equal to greater than those present during the evaluation period, and precipitation at or below long term average levels. It is not likely that the determinations related to Land Health have changed. Field observations by BLM staff since the Land Health determination was made indicate resource conditions have not measurably changed.

Pg. 70 – Where's the data in Table 3.7?

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The online version of the EA inadvertently changed the Table numbering. The EA has been modified to correct this typographical error.

Cumulative economic impacts incorrect as the economic impact in the Cumulative Assessment section are overstated and inflated as described for the non-cumulative impacts.

The Socio-Economic data in the EA are out of date and inflated to show higher benefits associated with livestock grazing.

The Socio-Economic section is inadequate, outdated and needs to include non-economic values associated with wild horses.

The Socio-Economic section analysis is based upon a recent economic study for the Modoc County area that was reviewed by the BLM ID Team for applicability. It was determined that the analysis in this study was a reasonable approach to estimating the economic impacts of changes in livestock grazing within the Surprise Field Office area. We are unaware of any more recent studies that would provide a better analysis. The commentor did not include any new data or studies that would provide a better analysis.

The approach taken to evaluate economic impacts of livestock grazing to the local economy was considered to be conservative. The analysis included direct benefits but did not include additional economic multipliers which would have increased the economic impacts even further.

BLM needs to revise the EA based upon information contained in the comment letters from wild horse advocates before making any decision.

We have reviewed the information contained in comments from all commenters, including wild horse advocates, in making our decision related to issuance of a livestock grazing permit for the Massacre Lakes allotment and establishing a wild horse AML for the HMA. As described in the Decision Record, the EA has been modified to reflect information provided in the comment letters.

Predators

The EA needs to include impacts of predator control on wild horse populations. This is a previously submitted comment.

BLM should eliminate predator control. Permittee should use large predator attacking dogs to protect his livestock

BLM should eliminate predator control. Lions can keep wild horse populations in check. Permittee should use large predator attacking dogs to protect his livestock.

Predatory control is under the jurisdiction of NDOW and the USDA, Animal and Plant Health Inspection Service (APHIS) and outside the jurisdiction of BLM. While lions are known to frequent the Massacre Lakes area, their low densities and selection of smaller prey make it unlikely that they can have a substantial impact on wild horse populations. In addition, wild horses frequent low sagebrush habitats in the Juniper Pastrue, which decrease the ability of lions to successfully hunt wild horses. The 2013 NAS report also concluded that mountain lions were not likely to be effective predators of wild horses.

The primary predator in the Massacre Lakes area are coyotes. Cattle are generally not susceptible to predation by coyotes.

Recreation

A higher AML would increase opportunities for recreational WH viewing.

Recreational viewing of wild horses is generally favored where there is good road access and the terrain and vegetation allow visitors to see horses on the landscape. In the case of the Massacre Lakes HMA, there is not good road access and the presence of juniper trees in many areas limit viewing opportunities. Increasing the AML would not result in a measurable change to viewing opportunities.

Wild horse ecotourism needs to be promoted for this herd.

The Surprise FO encourages public viewing of wild horses. However, the Massacre Lakes HMA does not appear to be a good candidate for promotion of ecotourism. The primary wild horse use areas during times of the year when the HMA is accessible to the public have very limited roads that are only passable by 4-wheel drive high-clearance vehicles and most of the Juniper Pasture where wild horses spend most of the year has juniper tree cover that limits sight distances of visitors.

Riparian Areas

Wild horses are not solely responsible for damage to resources at Sagehen Spring.

The Allotment Evaluation for the Massacre Lakes Allotment indicated that Sagehen Spring was not meeting the Land Health Standard for riparian areas and that excessive grazing by wild horses was the sole factor. As a result of that determination the analysis the EA focused on wild horse use at Sagehen Spring. One reason for the determination was that the livestock permittee apparently did not distribute his cattle in the Sagehen Spring area during recent years because of the large number of wild horses in that vicinity and the rocky terrain that cattle typically avoid.

Socio-Economics

Agriculture represents on 13% of Modoc County employment and many of these jobs are part time. The EA incorrectly show one third of Modoc County Agricultural production as being from livestock, when it is actually 21%.

Census data does indicate that approximately 13% of jobs in the County are associated with agriculture and that many of these jobs are part time. The one third figure includes direct livestock sales and sales of hay, which are primarily consumed by livestock. The EA has been modified to make this clear.

Reducing AML and population to 25-45 would negatively affect my quality of life

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Opinion of the commentor. No information provided on specifically how maintaining wild horses within an AML of 25-45 would affect quality of life.

Statements about the economic value of the local ranching community is inappropriate in the EA because BLM should not consider the private economic uses of public land.

The decision criteria of maintaining "sustainable livestock grazing operations" is not appropriate.

The 2008 Surprise RMP goal statement for livestock grazing (2.8.2) is: "Sustainable, ecologically sound, and economically viable livestock grazing opportunities would be provided, where suitable, in the SFO management area". Therefore discussion of the economic value of ranching on the local economy is appropriate.

The voluntary reductions taken the livestock permittee compared to the active AUMS need to be taken into account in the economical analysis.

The economic analysis described in Section 3.2.2 of the EA does compare current permitted use and the actual use, which includes voluntary reductions in livestock use.

Economic impacts section is outdated and biased toward livestock

The EA socio-economic section is biased toward the livestock permittee, and emphasizes the financial importance of livestock grazing over the social benefits of wild horses.

The Socio-Economic section analysis is based upon a recent economic study for the Modoc County area that was reviewed by the BLM ID Team for applicability. It was determined that the analysis in this study was a reasonable approach to estimating the economic impacts of changes in livestock grazing within the Surprise Field Office area. We are unaware of any more recent studies that would provide a better analysis. The commentor did not include any new data or studies that would provide a better analysis.

Greater consideration should be given to local livestock interests over non-local wild horse interests.

The Surprise Field Office is responsible for the management of public lands for current and future generations of citizens. We strive to continually balance the interests of the local community with other interests consistent with our legal responsibilities to all citizens.

There is a conflict of interest as the livestock permittees relatives are on BLM advisory boards.

The two boards referenced in the concern are the NE California-NW Nevada Resource Advisory Council and the Modoc-Washoe Experimental Stewardship Committee. Both these groups include a wide range of public interests including recreation, wildlife, wild horses, and livestock grazing. Both groups operate on a consensus basis which means that no recommendation made by the group can be forwarded to BLM unless all the members of the group agree. Additionally both groups are advisory in nature. BLM can accept or reject recommendations based upon whether or not any recommendations meet legal and other management requirements of BLM. Therefore there is no actual conflict of interest.

The value of a public land grazing AUM as used in the Socio-Economic section is too high.

The value of \$95 per public land AUM as used in the economic analysis was determined in a contracted study for the 2008 Sage Steppe Ecosystem Restoration Strategy EIS. This figure is in line with other studies and is considered a conservative estimate.

Social impacts related to wild horses need to be incorporated into EA. The non-economic value of the recreational viewing of wild horses was included in the recreation section of the EA. Commentors did not include any specific non-economic values.

This EA, in part, establishes an AML range for wild horses to allow achievement of Land Health Standards. Social impacts to wild horses do not change as a result of establishing the AML range, but only when horses are gathered and removed to achieve AML. Prior to any gather and removal, an EA that considers the site specific impacts of removal of wild horses will be prepared. That EA will include analysis of removal of excess horses, including social impacts related to wild horses.

There is a national trend of a decreasing beef sector. Therefore the permittee would not be economically impacted since that is the industry wide trend.

While the national trend is a decreasing beef industry, it does not necessary follow that an individual producer will not be economically impacted by a decreases in forage used on public land. Therefore, the impacts on an individual producer are not reasonably foreseeable.

Wild Horse - Adjusting Sex Ratios

I am opposed to any manipulation of sex ratios during gather operations.

This EA consider establishing an AML for wild horses. Prior to any wild horse gather operations, a site specific EA would be completed in which adjustment of sex ratios may be one of many potential management actions.

Wild Horse - Alternative Capture Methods

Wild horses should be managed as family units with any gathering done by water or bait trapping.

Alternative 4 proposes that if a scientifically valid research project can be funded, BLM would attempt to implement water or bait trapping based upon harem bands.

Bait trapping should be used instead of helicopter roundups.

I support gather and removal of wild horses using bait or water trapping to manage the wild horse herd in family band units to maintain an AML of 100-121 horses as described in Alternative 4.

Massacre Lakes wild horse herd should be managed to preserve family units with gathers limited to water or bait trapping.

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Comments in support or opposition to one or more alternatives are considered in the decision process.

Wild Horse - Density Dependant Population

The Massacre Lakes Wild Horse herd should be studied to determine if and how it's population is "self-limited"

The Massacre Lakes herd should be researched to determine if and why it has maintained at 160-180 animals for the past few years.

Alternative 4 includes provisions for a research component to study the population dynamics of the Massacre Lakes herd if a qualified academic research proposal can be developed and funded by the proponents of the alternative. At this time the proponents of the alternative have been unable to meet this requirement. The BLM welcomes scientifically based, rigorous research of the population demographics of the Massacre Lakes wild horse herd.

Wild Horse - Fertility Control

Fertility control (PZP) needs to be used to control horse populations.

Native PZP used be used rather than synthetic PZP for fertility control in wild horses.

The decision to be made in this EA is the AML range for wild horses. Consideration of fertility control techniques, including PZP, would be made in a separate process require prior to any management actions deemed necessary to deal with excess wild horses.

Wild Horse - Genetic Diversity

The proposed upper wild horse AML of 45 or fewer is too low to adequately support genetic diversity. A minimum of 150 horses is needed.

2,500 horses is the population level needed for genetic viability. Therefore an AML of 25-45 is too low.

BLM recognized during the development of the Surprise RMP that small wild horse populations do not support the necessary genetic diversity required to maintain long-term herd health. The RMP included a decision to designate a complex of four contiguous HMAs that includes the Massacre Lakes HMA. Horse movement between three of the four HMAs was documented in the 2011 gather. Additionally the 2013 NAS report included genetic information on the same three HMAs and found no problems with genetic diversity. Since Massacre Lakes has not been gathered since 1988, there is no genetic information available, but during the next gather genetic testing will be conducted to determine diversity and direct any management actions needed to increase diversity in the herd.

AML does not need to be greater than 150 head because mares from outside the HMA can be added as needed to maintain genetic diversity.

The collection of genetic information when horses are next gathered from the Massacre Lakes HMA will allow a determination of the genetic diversity of the herd and any need to add additional horses. Managing the Massacre Lakes HMA as part of the complex should

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decrease the risk of this HMA having problems with genetic diversity.

AML concept outdated and new genetic based studbook approach should replace it.

The process for determining desired wild horse population levels in an HMA is based upon the use of Appropriate Management Levels. The AML process is the currently approved methodology. Any suggestion that another process be used to determine wild horse populations would be outside existing policy and therefore outside the scope of this EA.

All horses in ML HMA need to be genetically fingerprinted and that data used to determine which horses should be removed.

When wild horses are next captured from the Massacre Lakes herd, genetic sampling will be used to determine levels of genetic diversity. Capturing every horse, collecting samples, holding the horses until the DNA analysis has been conducted, and then removing horses based upon the analysis would be very expensive and result in additional stress on horses transported to and from holding facilities. This proposal would not be consistent with the requirements of the Act that management activities be the "minimum feasible".

Wild Horse - Genetic History

There are documents that show horses were in the NW Nevada as early as the 1700s.

Informational comment, no response required.

Wild horses originated in North American and should not be considered feral species.

The fossil record does support a North American origin for modern horses. Horses within designated Herd Areas on public land are not classified as feral but are designated as wild horses as defined in the WFRWHB Act.

Wild Horse - HMA Complexes

Managing the Massacre Lakes HMA as part of a complex with a low AML range would result in elimination of irreplaceable genetic diversity that has developed in the herd.

The intent of managing the HMA as part of a complex is to maintain adequate levels of genetic diversity in the Massacre Lakes HMA. Inclusion of the HMA in the complex, for the most part, emphasizes management of gates to allow horses to freely move between HMAs during periods of the year when the gates are not needed to control livestock. It has been observed during gather operations that horses within a specific HMA tend to acquire traits of body configuration and color that distinguish them from horses in other HMAs. The intent of complexes is to ensure that genetic diversity is maintained not to eliminate the differences between herds in the complex.

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There is no evidence that Massacre Lakes HMA horses migrate outside the HMA. Therefore there is no evidence that a metapopulation exists that would warrant designation of complex.

There is anecdotal information of wild horse movement to and from the Massacre Lakes HMA. Additionally gates between the HMA and the Nut Mountain HMA are open for at least six months each year. Research in the region has shown that at high populations, juvenile horses commonly migrate some distances from their parent bands.

The decision to include the Massacre Lakes HMA as part of a complex of HMAs was made in the 2008 Surprise RMP. Therefore the issue of complex designation is outside the scope of this EA.

Additionally the 2013 NAS report recommended that wild horses be managed in complexes that support meta-populations (pg 9).

Wild Horse - Impacts to Herd

Current population size needs to be maintained to allow for natural social interactions of wild horses

The current estimated wild horse population of approximately 160 animals is considered greater than can be sustained within the HMA while allowing for healthy horses, meeting Land Health Standards and achieving a thriving natural ecological balance is required by law.

BLM continues to harm horses during roundups.

The purpose of this EA related to wild horses is to establish a wild horse AML range. Prior to any gathers of wild horses, a site specific EA will be prepared that includes analysis of gather numbers and SOPs to minimize impacts to individual animals during the gathering operation. It is normal practice to minimize harm to any horses during those operations.

BLM gather protocols result in broken wild horse social structure and increased population levels.

This comment is outside the scope of the EA. If BLM conducts a wild horse gather, impacts on wild horse social structure would be included in the NEPA process.

Wild Horse - Long-term Holding

What is the long-term fate of any horses gathered from the HMA?

The decision to be made on the Massacre Lakes allotment and HMA is whether or not to reissue a livestock grazing permit and to establish an AML for the wild horses. The decision does not consider whether or not to gather and remove horses from the HMA. That decision would be made following a EA that considers capture and removal or other management options to bring wild horse populations within the AML established during the current process. Long-term impacts on horses removed from the HMA would be considered

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during this later process.

Wild Horse - NAS Recommendations

The 2013 NAS report says that there is no over population of wild horses.

BLM uses AML ranges to determine if over population of wild horses exists. The NAS report includes a substantial discussion of the process for setting a wild horse AML range in Chapter 7. In that narrative, it is clear that the intent of Congress is that an over population of wild horses does not exist when wild horses are in healthy condition and a thriving natural ecological balance exists. Additionally in the same chapter it is also clear that wild horse populations have to be considered in the context of other resources including wilderness, cultural resources, wildlife, and clean water. The AML setting process includes consideration of the factors described above. While the NAS report suggested improvements to the AML setting process, nowhere in the report did the NAS say that there is not an over population of wild horses.

The 2013 NAS report concluded that roundups increase reproduction rates in horses.

The 2013 NAS report did find that gathering of wild horse is likely to increase reproduction rates of horses. The gather and removal of wild horses is necessary to remove excess horses from public rangelands in order to meet the multiple use objectives in BLM RMPs and sustain Land Health. The increased reproductive rates of horses are an unintended consequence of balancing wild horse population with the needs of multiple resource management.

The summary finding of the 2013 NAS resport need to be incorporated into the EA.

The 2013 NAS report was published shortly before the preliminary EA was published. The summary findings in the report are targeted at the policy level. The recommendations in those findings are currently under review by the BLM's Washington Office. As those recommendations are implemented at the field level, they would be incorporated into on-the-ground management of wild horses.

The 2013 NAS report says BLM is not transparent in the way it establishes, monitors and adjusts AMLs.

The inclusion of Alternative 4 in the EA, which was developed by a member of the wild horse advocacy community, and the availability of the analysis detailing how the AML range was determined are indicators of the Surprise Field Office's commitment to improve transparency related to the mangement of wild horses. The AML calcuation is attached to the final Allotment Evaluation, which is available on the Surprise Field Office web-site.

Wild Horse - Older Horses

Older horses should not be gathered and removed.

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Prior to gather and removal of any wild horses from the HMA, a site specific gather plan would have to be prepared that included an EA. The disposition of older horses would be considered in the gather plan. Typically older horses are not removed from HMAs if they are gathered.

Wild Horse - Public Involvement

Information on the public comments received in support of wild horses needs to be provided to the public as part of the decision making process.

A summary of the comments received during the public review period for the EA and the responses to those comments is attached to the the Decision Record.

The number of persons that commented on the EA be disclosed.

A summary of the comments received during the public review period for the EA and the responses to those comments is attached to the the Decision Record. During the comment period approximately 14,500 comments were received.

Selection of an alternative favored by supporters of wild horses will lead to volunteer support for installation and maintenance of projects, as well as monitoring of resource conditions in the allotment.

BLM encourages the participation of members of the public in the management of public lands. Any parties interested in conducting volunteer work on the Massacre Lakes or other areas in support of project implementation or monitoring of resource conditions are encouraged to contact the Field Office.

Explain how the public would be allowed to view any bait or water trapping operations.

The decision to be made in this EA process related to wild horses is the establishment of an AML range that would allow horses to be managed along with other resources to maintain a thriving natural ecological balance. Prior to any gather and removal of wild horses using any method, a site specific EA would be prepared that would include consideration of standard operating procedures or any other measures. Protocols for public viewing of gather operations would be considered in that EA.

Wild Horse - Research

Scientific research on impacts of wild horses on other resources should be supported.

If the research proposal described in Alternative 4 were implemented, a component of that research would be focused on the impacts of wild horse use on other resources.

Wild Horse - Sentinel Herd

The Massacre Lakes Wild Horse herd should be designated as a "sentinel" herd as described in the NAS report.

The 2013 NAS report recommended the identification of "sentinel" populations "in a subset of HMAs that represent the diverse ecological settings throughout western rangelands. Detailed, annual demographic studies of sentinel populations could be used to improve assessment of population dynamics and responses to changes in animal density, management interventions, seasonal weather, and climate."

In order to implement this recommendation contained in the NAS report, a substantial effort would be required to select the appropriate "sentinel" herds in order that the selected herds were representative of herd demographics, ecological conditions and climate/weather regimes. This recommendation is being evaluated by BLM, but has not been implemented at this time.

Wild Horse - Slaughter of horses

Massacring of Wild Horses needs to be stopped.

Opposes any roundups of WHs because some of the horses will end up being slaughtered.

Congress has placed a moratorium on the Bureau's ability to destroy excess wild horses. Additionally there are currently no approved slaughter plants in the US for horses.

BLM should support the opening of horse slaughter plants to reduce the number of horses in long term holding.

Decisions related to meat packing plants are outside the jurisdiction of the BLM. Other agencies and Congress have responsibilities over meat packing plants. Congress determines the direction and funding related to issues associated with the long-term holding of wild horses.

Wild Horse - Standard Operating Procedures

The EA needs to include the draft SOPs for treat and release gathers

Potential impacts related to treat and release gathers of horses are outside the scope of this EA. Prior to any gather, treatment, removal or release of horses from the HMA, a site specific EA would be prepared that would include analysis of impacts related to those topics.

The SOPs for gather operations need to be included.

What are the SOPs to reduce stress on WHs during gather operations.

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The decision to be made in this EA is establishing an AML range for wild horses. Prior to any gathers of wild horses, a site specific EA would be prepared that includes impacts on wild horses, including stress factors, and potential SOPs to mitigate adverse impacts. Therefore discussion of the SOPs of gather operations is outside the scope of this EA.

Wild Horse - Stress

Round ups are cruel to the horses because they are run to exhaustion.

The standard operating procedures for wild horse capture operations have guidelines for moving horses to trap sites to minimize impact to horses. These guidelines would be implemented to ensure that no horses are run to exhaustion.

Wild Horse - Support Gather and Removal

Meeting Land Health Standards will depend on removal of excess horses. Priority should be on removing excess horses as soon as possible.

Excess wild horses need to be removed as soon as possible.

No response needed to the opinion expressed by the commentor.

Wild Horse - Thriving Natural Ecological Balance

Wild horses will not contribute to habitat degradation if they are provided access to their migratory ranges.

No response needed to the opinion expressed by the commentor.

Thriving ecological balance needs to be defined.

While the EA does not contain a definition of 'thriving ecological balance', the operating concept is healthy horses on ranges that are meeting the Land Health Standards and objectives of the RMPs.

Additionally, the courts in (Dahl v. Clark, supra) have stated that the benchmark for determining the suitable number of wild horses on public range is "thriving ecological balance". The court defined this as conditions that maintain a balance between wild horses and burros, wildlife, livestock, and vegetation such that the range does not deteriorate.

Wild Horse - WFRWHB Act Intent

Livestock are improperly and illegally receiving preferential treatment over wild horses on public lands.

The WFRWHBA plainly intended for the HMA to be managed principally for the benefit of wild horse and/or burros. Mustangs must be given principal

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Alternative 1 is inconsistent with WFRWHB Act because it would remove 87% of horses. This is violation of the minimum feasible management requirements of the Act.

Several court ruling have provided interpretation of this portion of the 1971 Act. Most recently is a ruling by the US District Court, Eastern District of California (Case #2:10-cv-01852-MCE-DAD dated 11/15/2012). The ruling states in part, "The Act should consequently not be viewed as requiring that the BLM increase the numbers of horses, or give wild horses priority over users... Instead, the focus of the Act is rightly viewed as protecting wild horse herds as one component of multiple species, and many users, sharing a common environment."

In the Massacre Lakes HMA, on a temporal basis, wild horses could be considered as the principal user. Wild Horses occupy the WHA 12 months of the year (where over 90% of the wild horse use occurs) while livestock are allowed in the Juniper Pasture for less than 8 weeks each year.

Original intent of the Act was modified to provide less protection to wild horses.

The WFRHWB Act was amended in 1978 by Congress to provide direction that wild horses are to be considered among the multiple uses the BLM is required to manage for on public lands.

There is an effort by the World Bank in conjunction with the US Fish & Wildlife Service and wildlife NGOs to eliminate wild horses from public lands by classifying them as an invasive species.

Wild horses are protected and managed by BLM under the provisions of the WFRWHB Act. The Act does not classify wild horses as invasive species. While the Act does require that BLM consult with the FWS regarding whether overpopulation exists, appropriate management levels, and management actions to manage horse populations and habitat, decisions regarding wild horses on public land remain the sole responsibility of the BLM, not FWS or any other organization.

Wildlife

Livestock removals or reductions would benefit bighorn sheep and pygmy rabbits.

The impact of changing livestock use, including no livestock use, on wildlife species was analyzed in EA Section 3.2.6.

NDOW report cited in the EA is inaccurate to solely criticize wild horses as cause of big game declines. Also local declines in big game wildlife are unimportant because there are millions of deer, elk and antelope in the country.

The NDOW report quoted in the EA at page 71 specifically identifies wild horses and livestock as competitive with big game species and also identifies drought conditions. Therefore the report does not "solely" criticize wild horses.

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Local declines in big game populations are important because the need to maintain habitats for a mix of wildlife species, including wildlife species, wild horses, livestock and other uses and resources are mandated by a host of laws, regulations and existing management plans.